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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,026	03/11/2004	Satoshi Hosokawa	8031-1033	4629
466	7590	11/27/2007	EXAMINER	
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745 SOUTH 23RD STREET				
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			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/797,026	Applicant(s) HOSOKAWA, SATOSHI	
	Examiner Hung Q. Dang	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-13 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-13 and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/11/2004, 09/29/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 11/05/2007 have been fully considered but they are not persuasive.

At pages 9-10, Applicant argues that the use of switches in the context of what are disclosed by Loui and Moore is not appreciated by those of ordinary skill in the art and thus, it would not have been obvious to modify Loui and Moore in the manner suggested.

In response, the Examiner respectfully disagrees. While Fig. 19 and Fig. 20 in Moore disclose processes of extending a frame presentation by inserting its copies for a desired period of time called "hold time", paragraphs [0394], [0395], and [0395] describe various options or conditions that affect the setting value of the "hold time" depending either on user's preferences, e.g. "if the original timing of the slide pictures is to be preserved along with the original audio, then ..." or on particular circumstances, e.g. "if the original timing of the slide pictures is lost, then ...". Firstly, to one of ordinary skill in the art, the infrastructure that performs the extending of a frame presentation to a desired period of time as described in Fig. 19 and Fig. 20 can accommodate various situations that may lead only to different values of hold time. Further, obviously, the apparatus or method disclosed by Moore does not seek to solve the problem only for such a particular condition or preference. For example, one of ordinary skill in the art would not use one embodiment of Moore to perform only for the case when "the original timing of the slide picture is lost" (otherwise, users must look for another apparatus),

then develop another apparatus using another embodiment of Moore to cope with the user's preference for "the original timing of the slide pictures is to be preserved" (otherwise, if that feature is not desired, users must look for something else and buy a different apparatus). Very clearly, those are not practical approaches.

For that reason, in contrast, the Examiner strongly believe that one of ordinary skill in the art would recognize that providing a comprehensive solution using a common basic infrastructure is more practical and well fits to the spirit of "more for less".

Having said so, the Examiner respectfully submits that, in contrary to Applicant's arguments, one of ordinary skill in the art would recognize that the use of output switches in this context is very obvious.

The claims, therefore, stand rejected as previously presented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 8-10, 12-13, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loui et al. (US 2003/0007784) and Moore (US 2002/0061065).**

Regarding claim 1, Loui et al. disclose an image processing apparatus ([0033]) comprising: moving picture encoding means for encoding still picture image data with a specified moving picture encoding scheme ([0017]); data processing means for

associating each still image file with a voice data file on a one-by-one basis to output of said moving picture encoding means in a format corresponding to said moving picture encoding scheme ([0045]; [0086]); and multiplexing means for multiplexing and outputting the output of said data processing means and said voice data ([0086]; Fig. 10). Loui et al. also disclose a parameter file is used to set the display duration of each still image ([0086]).

However, Loui et al. do not disclose adding time extension information to extend reproduction time by the time same as that of voice data related to said still picture image data. Loui et al. also do not disclose wherein said data processing means comprises: extracting means for extracting data for one frame corresponding to said still picture image data from output of said moving picture encoding; first means for adding invalid frames following the data for a time corresponding to reproduction time of said voice data at a specified period as said time extension information; second means for adding invalid frames after a time corresponding to reproduction time of said voice data as said time extension information; third means for adding said time extension information to the extracted data; and selection means for selecting either of the first to third means.

Moore discloses adding time extension information to extend reproduction time of each still image by the time same as that of voice data related to still picture image data (the steps of "Set Hold Time", "Insert Hold Frame", and checking "Hold Time Exceed" in Fig. 19, Fig. 20, and [0387] with the "Hold Time" being the reproduction time of audio track in [0394] and [0395]). Moore also discloses said data processing means

comprises: extraction means for extracting data for one frame corresponding to said still picture image data from output of said moving picture encoding means ([0387]; [0394]); first means for adding invalid frames following the data for a time corresponding to reproduction time of said voice data at a specified period as said time extension information (Fig. 19; Fig. 20; [0396]); second means for adding invalid frames after a time corresponding to reproduction time of said voice data as said time extension information (Fig. 19; Fig. 20; [0394]; [0395]); third means for adding said time extension information to the extracted data (Fig. 19; Fig. 20; [0394]; [0395]; [0396]);

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate adding time extension, the first means, second means, and third means disclosed by Moore into the apparatus disclosed by Loui et al. to synchronize the video and audio data which originally do not have the same reproduction time length. The incorporated feature would help to achieve smooth reproduction and better quality of presentation.

However, the proposed combination of Loui et al. and Moore does not explicitly disclose selection means for selecting either of the first to third means.

A switch for selecting one signal out of many sources is well known in the art. Thus, Official Notice is taken (also see "Response to Arguments" above).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate a switch into the apparatus disclosed by Loui et al. and Moore so that to select the output from either the first, second, or third means. The

incorporated feature would allow multiple options of associating audio data into the still images, thus enhance user the interface of the apparatus.

Regarding claim 2, Loui et al. also disclose voice encoding means for encoding said voice data with a specified voice encoding scheme ([0017]; [0056]).

Regarding claim 8, Moore also disclose said data processing means further comprises means for continuing control for processing of said first, second or third means a specified times after completing processing of said first, second or third means (means for performing the step of "Add MPEG Subsequence to Output" in Fig. 19 and Fig. 20).

Regarding claim 9, Loui et al. also disclose a camera to generate said still picture image data ([0041]); and a microphone to generate said voice data ([0045; [0050]).

Regarding claim 10, the proposed combination of Loui et al. and Moore does not disclose said image processing apparatus is a cellular phone.

A cellular phone with a built-in camera is very well known in the art. Thus, Office Notice is taken.

One of ordinary skill in the art at the time of the invention would have been motivated to incorporate a cellular phone to be used with the apparatus disclosed by Loui et al. and Moore as another source of still images. With a use of a cellular phone with a built-in camera, a separate digital camera is not needed and hence, makes savings.

Claim 12 is rejected for the same reason as discussed in claim 1 above.

Claim 13 is rejected for the same reason as discussed in claim 2 above.

Claim 19 is rejected for the same reason as discussed in claim 8 above.

Claim 20 is rejected for the same reason as discussed in claim 9 above.

Claim 21 is rejected for the same reason as discussed in claim 10 above.

**Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loui et al. (US 2003/0007784) and Moore (US 2002/0061065) as applied to claims 1-2, 8-10, 12-13, and 19-21 above, and further in view of Abe (US Patent 6,618,491).**

Regarding claim 11, see the teachings of Loui et al. and Moore as discussed in claim 1 above. Further, Moore also discloses still picture image data is supplied to said data processing means (Fig. 19; Fig. 20; [0387]; [0390]).

However, the proposed combination of Loui et al. and Moore does not disclose means for extracting desired still picture image data and voice data related to it from moving picture data added with voice data.

Abe discloses means for extracting desired still picture image data and voice data related to it from moving picture data added with voice data (column 3, lines 60-63).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the means for extracting still picture image data and voice data disclosed by Abe into the apparatus disclosed by Loui et al. and Moore to extract favorite scene from favorite movies. The incorporated feature would enhance the user interface because it expands options for sources of still images.

Claim 22 is rejected for the same reason as discussed in claim 11 above.



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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